

2020

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON HEALTH, AGEING AND COMMUNITY SERVICES
REPORT NO 8**

REPORT ON ANNUAL AND FINANCIAL REPORTS 2018-2019

**Presented by
Mr Andrew Barr MLA
Chief Minister**

Introduction

On Thursday, 24 October 2019, the 2018-2019 Annual and Financial reports of all ACT Government agencies were referred to the relevant Standing Committees of the Assembly for inquiry and reporting.

The following annual reports, or sections of annual reports, were referred to the Standing Committee on Health, Ageing and Community Services (the Committee):

- ACT Health Directorate;
- Canberra Health Services; and
- Community Services Directorate.

Response to Committee Recommendations

Recommendation 1

The Committee recommends that the ACT Government prioritise the finalisation of the Feasibility Study to identify and deliver suitable accommodation options for Gugan Gulwan Youth Aboriginal Corporation to meet its ongoing needs to continue to deliver services and programs for Aboriginal and Torres Strait Islander young people and families in the ACT community.

Government Response – Agreed in principle.

The feasibility study for Gugan Gulwan Youth Aboriginal Corporation's accommodation is complete. The report has been provided to the Gugan Gulwan Board and Chief Executive Officer (CEO) for consideration to identify their preferred option/s to meet their ongoing and future needs. The Gugan Gulwan Board and the CEO have indicated their preferred option. The delivery of the suitable accommodation option is subject to Budget processes.

Recommendation 2

The Committee recommends that ACT Government directorates and agencies should ensure recordkeeping procedures and guidance material address the business activities specific to their operations.

Government Response – Noted.

The ACT Government is supportive of directorate and agency specific recordkeeping procedures and guidance material. Each ACT Government organisation that is subject to *Territory Records ACT 2002*, is required to have in place an approved Records Management Program specific to their operations, which must be made available for inspection to the public. Coverage of the program includes a policy on records information and data; and reference to supporting procedures.

The Territory Records Office monitors the currency of these Records Management Programs and engages with directorates and agencies regularly in review processes to help improve the content to better reflect the specific business of the organisation.

Recommendation 3

The Committee recommends that the ACT Government should remind all ACT Government directorates and agencies of the importance of good records management to the functioning of the ACT Public Service.

Government Response – Noted.

The Territory Records Office advocates for good records management practices consistent with the ACT Standard for Records, Information and Data, provides guidance on records management principles, and monitors ACT Government directorate recordkeeping activities

through several forums. These include working groups, communities of practice, committees, online platforms and direct engagement with directorate and agency records managers.

The Territory Records Office will continue to facilitate awareness of good recordkeeping practices and look for further opportunities to engage with ACT government directorates and agencies.

Recommendation 4

The Committee recommends that the ACT Government should remind all ACT Public Servants of their obligation to ensure that accurate records of key decisions, discussions and events are kept and that these records are easily retrievable when required.

Government Response – Noted.

As part of building internal capability, the Territory Records Office encourages directorates and agencies to include induction and refresher training for staff on record keeping compliance. While the Territory Records Office has a role to promote good recordkeeping practices, ACT Government directorates and agencies are best placed to influence and support staff within their organisations to manage records in accordance with their specific Records Management Program.

Recommendation 5

The Committee recommends, to the extent that work is not already taking place, that the ACT Government in conjunction with key stakeholders, develop a comprehensive lockdown procedural framework for the Bimberi Youth Justice Centre that includes: (a) the planning for and execution of lockdown incidents—including activation, deployment, maintenance and stand-down stages; (b) clarification and definition of lockdown elements and types—partial, portable, progressive and full; (c) development of a lockdown profile; (d) best practice associated with lockdown preparation; (e) key issues to be considered at the initiation of a lockdown; (f) a detailed lockdown recovery phase; and (g) ensuring key governance enterprise plans such as communication, risk, business continuity and service disaster plans incorporate and articulate with the lockdown plan and associated procedures.

Government Response – Noted.

The ACT Government has agreed in response to the Human Rights Commission – Commission Initiated Review of Allegations Into Bimberi Youth Justice Centre to provide a lockdown register that will be subject to oversight by the Official Visitors, Public Advocate and Commissioners within the Human Rights Commission, as well as the Inspectorate of Correctional Services.

The planning and execution of responding to critical incidents, arising in the need for a lockdown, are outlined in the Emergency Operating Procedures of the Centre. The ACT Government has committed to reviewing the Emergency Operating Procedures in response to the Review of the Major Incident that occurred in August 2019.

Recommendation 6

The Committee recommends that, when completed, the ACT Government table in the ACT Legislative Assembly an appropriate summary of the evaluation of the Functional Family Therapy—Child Welfare 12-month pilot program.

Government Response – Agreed.

The ACT Government agrees to table a summary of the Functional Family Therapy – Child Welfare pilot program.

Recommendation 7

The Committee recommends that the ACT Government, to the extent that work is not already taking place, and after consideration of an evaluation of the Functional Family Therapy—Child Welfare 12-month pilot program, give due consideration to its continuing delivery through ongoing funding in the 2020–21 Budget and subsequent budgets.

Government Response – Noted.

The ACT Government provided recurrent funding through the 2019-20 Budget Review to support the continuation of the Functional Family Therapy – Child Welfare program delivered by Gudan Gulwan Youth Aboriginal Corporation and OzChild.

Recommendation 8

The Committee recommends that the ACT Government inform the ACT Legislative Assembly by the last sitting day in May 2020 as to the arrangements that have been made to support families that were still in the Functional Family Therapy—Child Welfare. program at the conclusion of the 12-month trial in November 2019.

Government Response – Noted.

The families that were still in the Functional Family Therapy – Child Welfare program at the end of the trial in November 2019 continued to access this service after the ACT Government provided recurrent funding through the 2019-20 Budget Review to support the continuation of the Functional Family Therapy – Child Welfare.

Recommendation 9

The Committee recommends that the ACT Government inform the ACT Legislative Assembly by the last sitting day in June 2020 on the status of completion of therapeutic assessments (in accordance with the Step Up for Our Kids program) for all children in out of home care.

Government Response – Agreed in principle.

The ACT Government agrees to provide an update to the ACT Legislative Assembly when the next Step Up for Our Kids Snapshot Report is tabled.

Recommendation 10

The Committee recommends that the ACT Government inform the social and community services sector to factor into future tenders: (i) any interim period between the expiry of the

Equal Remuneration Order (ERO) for Community Sector Workers and the negotiation of new contracts that may require salary augmentation; and (ii) the requirement that pay rates for some employees in the social and community services industry as determined in 2012 now need to be factored into future tenders by social and community service providers.

Government Response – Agreed.

The National Partnership Agreement on Pay Equity for the Community Sector, is an agreement between the Commonwealth and State and Territory Governments, executed following the introduction of the Equal Remuneration Order (ERO) into the Fair Work Act. The Agreement is due to cease from 30 November 2021.

The ACT Government commits to clarifying with the community services sector that providers will be required to reflect the real wage costs when tendering for service provision. Contracts will be negotiated to reflect real wage costs in any newly executed Service Funding Agreement.

Recommendation 11

The Committee recommends, to the extent that work is not already taking place, that the ACT Government prioritise the development of medical management procedures where an emergency is declared (pursuant to section 26 of the Corrections Management Act 2007) at the Alexander Maconochie Centre. The procedures should include guidance about the management during the lockdown period of: (i) essential, non-essential and supervised medication; (ii) detainee requests for medication or medical assistance; (iii) clinical emergencies that may arise during the emergency period; (iv) safety of Justice Health Services (JHS) staff; and (v) protocols for witnesses for the administration of medication where no other JHS staff are available.

Government Response – Agreed.

(i, ii, v) As part of the review of the medication handling policy, Justice Health Services (JHS) will include guidance that in the case of an emergency order being declared in a correctional centre, the Clinical Director and Operational Director will make a determination regarding critical service provision including medication administration that considers both clinical safety and the safety of health staff. Medication administration protocols will be followed as per *Medicines, Poisons and Therapeutic Goods Act 2008* including where there is a requirement for two registered nurses to administer a controlled medicine.

(iii) JHS local procedure regarding the management of the deteriorating patient outlines that if there are no clinical staff available to respond to a Code Pink, that ACT Corrective Services (ACTCS) will contact ACT Ambulance Services (ACTAS) for medical emergencies.

A detainee can request medical assistance during a lockdown as per usual practice, by submission of a health appointment request form or by informing a custodial officer. If a detainee has a medical emergency, Justice Health staff will respond if on site. Where there are no clinical staff available to respond to a Code Pink, that ACT Corrective Services (ACTCS) will contact ACT Ambulance Services (ACTAS) for medical emergencies.

(iv) As required by legislation and governed by the Work Health Safety (WHS) Policy, Canberra Health Services (CHS) adopts a systematic risk management approach to WHS. This approach is implemented through the WHS Management System (WHSMS). The WHSMS provides a standardised framework for managing risks including the safety of staff in emergencies .

Recommendation 12

The Committee recommends that the ACT Government should rationalise the content in the annual reports of the ACT Health Directorate and Canberra Health Services to address repetition and improve clarity as to which entity has responsibility for certain functions, responsibilities and services.

Government Response – Agreed.

The reporting period in the 2018-19 Annual Report included the period from 1 July 2018 to 1 October 2018, which was prior to the split into two directorates.

In future Annual Reports there will be clearer delineation of responsibility and reporting, however there may be sections where duplication is unavoidable (for example, the Scrutiny section).

Recommendation 13

The Committee recommends that the ACT Government should ensure that future annual reports covering the health portfolio incorporate more granular reporting on performance statistics from each of the hospital providers (in addition to reporting on these statistics from an aggregated or territory-wide perspective).

Government Response – Noted.

The ACT Health Directorate and the Canberra Health Services anticipate that future Annual Reports will include more detailed reporting for each public hospital facility. In addition, from the first quarter of the 2019-20 financial year, *the ACT Public Health Services Quarterly Performance Report* has included disaggregated information for Canberra Hospital, Calvary Public Hospital Bruce and the University of Canberra Hospital.

Recommendation 14

The Committee recommends that the ACT Government should ensure that senior executives from Calvary Public Hospital—Bruce attend annual report public hearings of the respective Standing Committee to which annual reports covering the health portfolio have been referred.

Government Response – Not agreed.

Calvary Health Care ACT Ltd (Calvary) is a subsidiary entity of the Little Company of Mary Health Care Ltd (LCMHC), which is a private entity, Calvary is engaged by the ACT Health Directorate (ACTHD) to provide public hospital and health services through Calvary Public Hospital Bruce (CPHB) and Clare Holland House (CHH). ACTHD is the contract manager and is responsible to the

ACT Government for the public health services delivered under those arrangements. This is consistent with the arrangements for all other contracted providers.

The Government Response to a similar recommendation in the 2018-19 Select Committee on Estimates Report that ACTHD would discuss the recommendation with Calvary. This has occurred, and Calvary has indicated that it supports the position that it not be required to appear at Estimates hearings, in line with its role as a contracted service provider.

Calvary acknowledges that representatives would be required to attend a public hearing if directly called. The Government notes that it would be open to a future Select Committee on Estimates to invite Calvary to appear on the Community and Industry Groups hearing day.

Recommendation 15

The Committee recommends that the ACT Government should ensure that the ACT Local Hospital Network Directorate annual report is given more prominence either within the ACT Health Directorate, or as a stand-alone, annual report.

Government Response – Noted.

The ACT Local Hospital Network (ACT LHN) is, for the purposes of compliance with the *National Health Reform Agreement 2011* and the *Health (National Health Funding Pool and Administration) Act 2013*, a separate entity established within the ACT Health Directorate (ACTHD). The ACT LHN is not an established ACT Government Directorate under the *Administrative Arrangements* made under the [Public Sector Management Act 1994](#).

All ACT Government Directorates must comply with the Annual Report Directions outlined in a Notifiable Instrument, made under the *Annual Reports (Government Agencies) Act 2004*, for the relevant reporting year. Attachment A of the *Annual Reports (Government Agencies) Directions 2019* outlined that the ACT LHN report was required to be annexed to the ACTHD report, as the affiliated Directorate.

Prior to the 2018-19 Annual Report, ACTHD had reported on ACT LHN finance and performance information and results throughout various sections of the Report. To comply with the 2019 Directions, and with the intent of improved readability, all ACT LHN information was consolidated and reported in one section of ACTHD's report (along with all other annexed and subsumed reports required of ACTHD).

ACTHD will take this recommendation into consideration when preparing future Annual Reports, noting compliance with the above legislation is required.

Recommendation 16

The Committee recommends that the ACT Government table in the ACT Legislative Assembly quarterly progress reports on the implementation of the remaining 19 recommendations of the Independent Review into the Workplace Culture within ACT Public Health Services.

Government Response – Agreed in principle.

The Former Minister for Health and Wellbeing, Minister Fitzharris agreed in May 2019, when the response to the recommendations was tabled at the ACT Legislative Assembly, that biannual updates of the progress made across the ACT public health system would be provided. This occurs in March and September of each year, concluding in March 2022 (noting that the first report of 2020 was presented on 2 April due to the revised sitting pattern). A commitment to biannual updates was made in acknowledgement that culture reform and change takes time.

The Culture Review Oversight Group recently agreed that papers and minutes from its meetings will be made publicly available through Open Access. These meetings occur every two months and papers include an update on the implementation of Review recommendations.

Recommendation 17

The Committee recommends that workforce profile information as required by the ACT Government Annual Report Direction be—(i) included in entity/directorate specific annual reports; and (ii) revised to capture information that better reflects non-ongoing employment trends across the ACT Public Service.

Government Response – Agreed in principle.

There is already a requirement under the Annual Report Directions for entity/directorate specific annual reports to include the headcount by employment category. The State of the Service report also includes headcount and Full Time Equivalent numbers for non-ongoing employment at the whole of government level and a breakdown for each Directorate and agency.

Consideration will be given to including more information on non-ongoing employment trends across the ACT Public Service.

Recommendation 18

The Committee recommends that the ACT Government include more detailed reporting on the work of the ACT Health Directorate's Human Research and Ethics Committee in future Directorate annual reports.

Government Response – Agreed.

Recommendation 19

The Committee recommends that the ACT Government provide further detail by 30 June 2020 to the ACT community sector as to the procurement arrangements that will be in place for the next funding round under the National Affordable Housing Agreement.

Government Response – Agreed in principle.

Housing ACT agree that the community sector should be advised of the procurement arrangements that will be in place for the next funding round under the National Affordable Housing Agreement once these arrangements have been confirmed. At this stage, no decision has been made regarding those arrangements. The community sector will be advised once a decision has been made.

Recommendation 20

The Committee recommends, to the extent that work is not already taking place, the ACT Government review the legislative provisions and associated guidance documents concerning emergency apprehensions by authorised professionals pursuant to section 80 of the Mental Health Act 2015.

Government Response – Agreed.

Work is underway.

Recommendation 21

The Committee recommends, to the extent that work is not already taking place, that the ACT Government design an evaluation framework or strategy for its domestic and family violence training for ACT Public Service employees that encompasses process, impact and outcome evaluation parameters.

Government Response – Agreed.

The Office of the Coordinator General for Family Safety has recently completed a Request for Quotation to develop an ACT Government Domestic and Family Violence Training Evaluation Framework. The Office will work with the successful provider to develop an evaluation framework that will consider the; processes, impacts and outcomes.

Recommendation 22

The Committee recommends that the ACT Government table in the ACT Legislative Assembly by the last sitting day in June 2020, a list of all initiatives funded in the first phase of the Safer Families package that have now transitioned out of the Package's funding envelope. This should include detail as to their ongoing status and future funding sources.

Government Response – Agreed in principle.

The Safer Families budget position is reported annually in the ACT Budget Paper 3: Budget Outlook, attachment J. The timing for the release of this budget paper will be dependent on the decisions made by ACT Government to release the 2020-21 Budget.

Recommendation 23

The Committee recommends that the Ministerial Advisory Council on Veterans and their Families (formerly the Veterans' Advisory Council) prepare and upload to the Council's website

a general communique on a quarterly basis that would permit timely reporting on key aspects of its work.

Government Response – Agreed in principle.

The ACT Government agrees in principle; noting that Ministerial Advisory Councils currently have varied arrangements for websites and social media. The Joint Advisory Council Chairs have considered this recommendation and have agreed to look at ways in which regular information on key issues may be disseminated.

Recommendation 24

The Committee recommends that the other ACT Ministerial Advisory Council's should also consider preparing and uploading to each of their respective websites a general communique on a quarterly basis that would permit timely reporting on key aspects of their work

Government Response – Agreed in principle.

The ACT Government agrees in principle; noting that Ministerial Advisory Councils currently have varied arrangements for websites and social media. The Joint Advisory Council Chairs have considered this recommendation and have agreed to look at ways in which regular information on key issues may be disseminated.

Recommendation 25

The Committee recommends that the ACT Government consider enhancing the functionality of the ACT Diversity Register to source data that would assist with determining its effectiveness in meeting government diversity targets whilst respecting privacy requirements.

Government Response – Agreed in principle.

The ACT Government agrees in principle; however, this would require a significant update to the functionality of the Diversity Register. The current allocated ongoing funding for the Diversity Register does not allow for this type of updating, or other such initiatives.